

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

**Consent  
Order of Restitution**

v.

CHARLES BRISCOE

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S2 23 Cr. 134 (VSB)

Upon the application of the United States of America, by its attorney, Damian Williams, United States Attorney for the Southern District of New York, Kevin Mead and Katherine C. Reilly, Assistant United States Attorneys, of counsel; the presentence investigation report; the defendant's conviction on Count One of the Information; and all other proceedings in this case, it is hereby ORDERED that:

**1. Amount of Restitution**

Charles Briscoe, the defendant, shall pay restitution in the total amount of \$1,000,000, pursuant to 18 U.S.C. § 3663, to the victim of the offense charged in Count One. The name and address of that victim is set forth in the Schedule of Victims, attached hereto as Schedule A. Upon advice by the United States Attorney's Office of a change of address of a victim, the Clerk of Court is authorized to send payments to the new address without further order of this Court.

Restitution is joint and several with the following defendant(s) in the following case(s): *United States v. Calvin Darden, Jr.*, 23 Cr. 134 (VSB). The defendant's liability to pay restitution shall continue unabated until either the defendant has paid the full amount of restitution ordered herein, or every victim in Schedule A has recovered the total amount of each loss from the restitution paid by the defendant and all co-defendants ordered to pay the same victims.

**2. Schedule of Payments**

Pursuant to 18 U.S.C. § 3664(f)(2), in consideration of the financial resources and other assets of the defendant, including whether any of these assets are jointly controlled; projected earnings and other income of the defendant; and any financial obligations of the defendant; including obligations to dependents, the defendant shall pay restitution in the manner and according to the schedule that follows:

In the interest of justice, restitution will be payable in installments pursuant to 18 U.S.C. § 3572(d)(1) and (2).

While serving any term of imprisonment, the defendant shall make installment payments toward restitution and may do so through the Bureau of Prisons' (BOP) Inmate Financial Responsibility Plan (IFRP).

Any unpaid amount remaining upon release from prison will be paid in monthly installments commencing on the first day of the second month following the month in which the defendant is released from the term of imprisonment imposed.

Each monthly payment shall be equal to the sum of the earned income amount and the other income amount. The term "earned income" means remuneration for personal services. The term "other income" means revenues from all other sources, other than public assistance and unemployment insurance compensation. The term "earned income amount" is defined as 15 percent of your earned income up to \$5,000, plus 45 percent of earned income in excess of \$5,000 for the preceding month. The term "other income" is defined as 80 percent of your other income for the preceding month.

Because the defendant does not have the ability to pay interest, the requirement to pay interest is waived pursuant to 18 U.S.C. § 3612(f)(3)(A).

This schedule is without prejudice to the Government taking enforcement actions, pursuant to 18 U.S.C. § 3613, to the extent warranted.

**3. Payment Instructions**

The defendant shall make restitution payments by certified check, money order, or online. Instructions for online criminal debt payments are available on the Clerk of Court's website at <https://nysd.uscourts.gov/payment-information#PaymentofCriminalDebt>. Checks and money orders shall be made payable to the "SDNY Clerk of Court" and mailed or delivered to: United States Courthouse, 500 Pearl Street, New York, New York 10007 - Attention: Cashier, as required by 18 U.S.C. § 3611. The defendant shall write his/her name and the docket number of this case on each check or money order.

**4. Change in Circumstances**

The defendant shall notify, within 30 days, the Clerk of Court, the United States Probation Office (during any period of probation or supervised release), and the United States Attorney's Office, 86 Chambers Street, 3rd Floor, New York, New York 10007 (Attn: Financial Litigation Program) of (1) any change of the defendant's name, residence, or mailing address or (2) any material change in the defendant's financial resources that affects the defendant's ability to pay restitution in accordance with 18 U.S.C. § 3664(k).

**5. Term of Liability**

The defendant's liability to pay restitution shall terminate on the date that is the later of 20 years from the entry of judgment or 20 years after the defendant's release from imprisonment, as provided in 18 U.S.C. § 3613(b). Subject to the time limitations in the preceding sentence, in the event of the death of the defendant, the defendant's estate will be held responsible for any unpaid balance of the restitution amount, and any lien filed pursuant to 18 U.S.C. § 3613(c) shall continue until the estate receives a written release of that liability.

6. Sealing

Consistent with 18 U.S.C. §§3771(a)(8) & 3664(d)(4) and Federal Rule of Criminal Procedure 49.1, to protect the privacy interests of victim(s), the Schedule of Victims, attached hereto as Schedule A, shall be filed under seal, except that copies may be retained and used by or disclosed to the listed victims, the Government, the investigating agency, the Clerk's Office, and the Probation Office, as needed to effect and enforce this Order, without further order of this Court.

AGREED AND CONSENTED TO:

DAMIAN WILLIAMS  
United States Attorney for the  
Southern District of New York


By: /s/ Kevin Mead  
KEVIN MEAD  
KATHERINE C. REILLY  
One Saint Andrew's Plaza  
New York, NY 10007  
Tel.: (212) 637-2211/6521

2/9/2024  
DATE


CHARLES BRISCOE

By: Charles Briscoe  
CHARLES BRISCOE

2/16/24  
DATE

By:   
IAN HOWARD MARCUS AMELKIN  
52 Duane Street  
10th Floor  
New York, NY 10007  
Tel: (212)-417-8733

2/16/24  
DATE

SO ORDERED:   
HONORABLE VERNON S. BRODERICK  
UNITED STATES DISTRICT JUDGE

2/16/2024  
DATE